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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,390	08/28/2001	Shane Chen	BWD:7945.006	6029

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/941,390

Applicant(s)

Chen

Examiner

Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 15-25, and 27-31 is/are rejected.
- 7) ☒ Claim(s) 6, 14, and 26 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 28, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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### **Drawings**

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: numerals 74 and 80.
2. There is an inconsistency between the drawings and specification. The specification refers to element 76 as being a spring, however in the figures element 76, shown in phantom in figure 4B appears to be the pivot which is referred to in the specification as element 74.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "82" has been used to designate both a wheel bracket and a support bracket for the case 32.
4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Care should be taken to insure that the drawings are consistent with the specification, and do not include duplicate numerals directed to different elements.

### **Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1, 5, 9-12, 16-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Patmont et al. (US 6,347,681, filed 8/1999). Patmont et al. teach a scooter which may be provided to a user, which includes a running board (12), supported by a front wheel (20) and a rear wheel (22), the front wheel being connected to a handle bar (26) by a steering shaft (28), and

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a provided detachable motor assembly including a case (50), and a motor (24), the case housing a battery (56), and the motor being electrically connected thereto, the motor having a shaft (25) which is resiliently urged into contact with one of the wheels, under the operation of a biasing element (27) in the form of a spring, which is passed around a portion of the scooter (the loop at the end of 180b), the motor being located externally of the case, and operable in response to a control mechanism (32) connected to the handle bar, and further including a sensor (48, 148) which operates in response to a wheel slowing brake, the sensor indicating a slowing of the wheel, to the breadth claimed, for effecting a change in the motor operation, the motor operation circuit further including a current sensor (adjustable voltage divider R15, R17) which can control the circuit in the event of an over-current through the MOSFET 108, which feeds the motor.

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 4, 7, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patmont. Patmont et al. teach a scooter which may be provided to a user, which includes a running board (12), supported by a front wheel (20) and a rear wheel (22), the front wheel being connected to a handle bar (26) by a steering shaft (28) which may be folded downward, and a provided detachable motor assembly including a case (50), and a motor (24), the case housing a battery (56), and the motor being electrically connected thereto, the motor having a shaft (25) which is resiliently urged into contact with one of the wheels, under the operation of a biasing element (27) in the form of a spring, which is passed around a portion of the scooter (the loop at the end of 180b), the motor being located externally of the case, and operable in response to a

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control mechanism (32) connected to the handle bar, and further including a sensor (48, 148) which operates in response to a wheel slowing brake, the sensor indicating a slowing of the wheel, to the breadth claimed, for effecting a change in the motor operation, the motor operation circuit further including a current sensor (adjustable voltage divider R15, R17) which can control the circuit in the event of an over-current through the MOSFET (108), which feeds the motor.

Patmont et al. fail to teach the biasing element as being an elastic band. Elastic bands are well known resilient elements which are capable of performing as a spring device and but, in view of generally being non-metallic, are well adapted to environments which may cause corrosion, such as damp situations, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the spring taught by Patmont et al. with an elastic band for the purpose of extending the outdoor life of the motor mount.

Patmont et al., while teaching a case as claimed, fail to teach a clamp for connecting the case to the scooter. Machine clamps, such as threaded fasteners and washers, are well known mechanisms for connecting element to one another, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to connect the case taught by Patmont et al. to the scooter frame using a clamp, such as a threaded screw and a retaining washer, for the purpose of easily attaching the case to the scooter using commonly available hardware.

Patmont et al. fail to teach the motor as being located inside the case. Providing a single container for a plurality of elements is an old and well known packaging expedient, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a portion of the case of Patmont et al. to surround a portion of the motor, for the purpose of protecting the motor from the elements.

9. Claims 2, 8, 21-25 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patmont et al. in view of Selwyn (GB 1,518,432). The reference to Patmont et al. is discussed above and fails to teach the motor assembly as being located at the front of the scooter, attached to the steering shaft, and vertically adjustable with respect to the front wheel. Selwyn

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teaches a motorized scooter having a motor (5) connected to a steering shaft (3) and for driving a front wheel (4), the battery being located in a case (7) which is mounted to the steering shaft, and which may be vertically adjusted with respect to the front wheel by a pivoting of the shaft (see phantom, figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the motor, and battery of the scooter of Patmont et al. on the downwardly foldable steering shaft for the front wheel, as suggested by Selwyn, for the purpose of allowing driving and braking traction to be applied to the front wheels of the scooter, rather than the rear wheels.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patmont et al. in view of Tsai (US 6,273,205). The reference of Patmont et al. is discussed above and fails to teach the scooter as capable of allowing a disengagement of the motor from the wheel, to allow manual use of the scooter. Tsai teaches a motor powered scooter wherein a motor (34) with a driving shaft (35, 36) is resiliently biased (by 40) to engage a drive wheel (16) of the scooter, and wherein the motor assembly (30) may be displaced from its engaged position (see figure 4), by an operating arm (64, 60, 53). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an operating arm to displace the motor from engaging the drive wheel of the scooter of Patmont et al. as suggested by Tsai, for the purpose of allowing the scooter to be easily used when the battery is not charged.

#### **Allowable Subject Matter**

11. Claims 6, 14, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gibson (US 1,192,514), O'Neill, Jr. (US 3,905,442), Geschwender (US 4,611,684), Pietro (US 4,770,434), Olsen (US 5,799,747), McGreen (US 5,848,660), Catto (US 5,894,898),

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Sauve (US 6,227,324), Tsai (US 6,415,881), Lan (US 6,462,493), and Eichholz (DE 2,915,387) teach motor-powered vehicles of pertinence.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents  
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;  
informal or draft communications may be faxed to the same number but should be  
clearly labeled "UNOFFICIAL" or "DRAFT")

The Office has also established electronic fax servers for Technology Center 3600 as follows:

703-872-9326 (Official communications)  
703-872-9327 (Official After Final communications)  
703-872-9325 (Customer Service)

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**

F. Vanaman  
November 26, 2002



11/26/02